

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Western District of Texas

United States of America

v.

Gustavo GUERRERO-Hernandez  
AXXX-XXX-435

Case No. SA20MJ1016

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 13, 2020 in the county of Kerr in the  
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

8 U.S.C. § 1326(a) &amp; (b)(1)

Illegal Reentry

Penalties: Maximum Penalties: 10 years confinement, \$250,000 Fine or  
Both; 3 years supervised release, \$100 mandatory special assessment.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

- ☐
- Sworn to before me and signed in my presence.
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- ☒
- Sworn to telephonically and signed electronically.

Date: Aug. 15, 2020City and state: San Antonio, Texas*Complainant's signature*Jose R. Morales, Deportation Officer*Printed name and title**Judge's signature*Honorable Richard B. Farrer, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

Being duly sworn, I declare that the following is true and correct to the best of my knowledge.

My name is Jose R. Morales and I am a deportation officer with Immigration and Customs Enforcement (ICE), Enforcement Removal Operations (ERO), with whom I have been employed since June 11, 2006. I am authorized by the United States Department of Homeland Security to enforce the Immigration Laws and Regulations of the United States or any other Laws or Regulations designated by the Attorney General or his successor, the Secretary of the Department of Homeland Security.

On August 13, 2020, Gustavo GUERRERO-Hernandez, (hereafter GUERRERO), was encountered at the Kerr County Jail, in Kerrville, Texas, subsequent to his arrest for a "Public Intoxication". After conducting preliminary criminal history checks and immigration history checks, ICE/ERO officers determined GUERRERO to be an alien present within the United States illegally. An immigration detainer was placed on GUERRERO on August 13, 2020, with the Kerr County Jail.

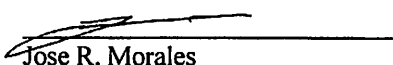
On August 15, 2020, GUERRERO was released from the Kerr County Jail and turned over to the ICE/ERO Criminal Alien Program, in San Antonio, Texas. GUERRERO's fingerprints were submitted through immigration and FBI databases which verified his identity. The databases also revealed that GUERRERO is a citizen or national of Mexico with assigned Alien Registration Number Axxx-xxx-435. A review of the Alien Registration File for Axxx-xxx-435 in the Enforce Alien Removal Module (EARM), a Department of Homeland Security database, revealed that GUERRERO is an alien who was initially removed from the United States to Mexico, on or about December 13, 2018.

Immigration databases also revealed that GUERRERO has not been granted permission to reapply for admission from the Attorney General of the United States, or his successor, after his deportation/removal.

Record checks revealed that on December 13, 2017, GUERRERO had a felony conviction for Illegal Re-entry for which he received a sentence of 43 Days Confinement. And on December 12, 2018, GUERRERO had a felony conviction for Illegal Re-entry for which he received a sentence of 121 Days Confinement.

GUERRERO was advised about his right to consular notification and was provided the opportunity to call the Consulate General of Mexico upon his arrest on August 15, 2020.

An immigration detainer will be filed with the U.S. Marshals Service on August 15, 2020.

  
Jose R. Morales  
Deportation Officer  
ICE/ERO

Subscribed and sworn before me the 15<sup>th</sup> day of August 2020.

  
United States Magistrate Judge  
Honorable Richard B. Farrer